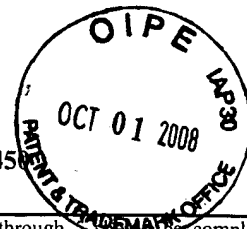


## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax** **(571)-273-2885**



INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

140

7590

07/03/2008

LADAS & PARRY LLP  
 26 WEST 61ST STREET  
 NEW YORK, NY 10023

10/02/2008 CCHAU2 00000007 09927084

01 FC:2501 720.00 OP  
 02 FC:1504 300.00 OP

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571)-273-2885, on the date indicated below.

JANET I. CORD (Depositor's name)  
 (Signature)  
 September 29, 2008 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,084	08/09/2001	Gil Tenne	U 013591-0	4110

TITLE OF INVENTION: METHOD FOR THE EARLY DIAGNOSIS OF CANCER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$720	\$300	\$0	\$1020	10/03/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
HINES, JANA A	1645	436-174000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

ERA-MASSIS, INC.

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

WILMINGTON, DELAWARE

Recordation Date: January 10, 2002; Reel/Frame No.: 012465/0969

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☒ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date September 29, 2008

Typed or printed name JANET I. CORD

Registration No. 33,778

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



Practitioner's Docket No. U 013591-0

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: GIL TENNE, ET AL.

Serial No.: 09/927,084

Group No.: 1645

Filed: AUGUST 9, 2001

Examiner: HINES, JANA A.

Confirmation No. 4110

For: METHOD FOR THE EARLY DIAGNOSIS OF CANCER

**Mail Stop Issue Fees**

**Commissioner for Patents**

**P. O. Box 1450**

**Alexandria, VA 22313-1450**

**TRANSMITTAL OF PAYMENT OF ISSUE FEE (37 C.F.R. 1.311)**

*NOTE: Submission of a Transmittal of Payment of Issue Fee after issuance of the Notice of Allowance in an application does not result in a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 6, 2001.*

**1.** Applicant hereby pays the issue fee for the attached Issue Fee Transmittal PTOL-85.

*NOTE: 37 C.F.R. § 1.27(g): "(1) New determination of entitlement to small entity status is needed when issue and maintenance fees are due. Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due.*

*(2) Notification of loss of entitlement to small entity status is required when issue and maintenance fees are due. Notification of a loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity as defined in paragraph (a) of this section is no longer appropriate. The notification that small entity status is no longer appropriate must be signed by a party identified in § 1.33(b). Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate."*

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. 1.8(a)**

☒ with sufficient postage as first class mail.

**37 C.F.R. 1.10\***

☐ as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**

☐ transmitted by facsimile to the Patent and Trademark Office, to (571) 273-8300

Date: September 29, 2008

Signature

Janet I. Cord

(type or print name of person certifying)

*• Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.*

2. Applicant

A. Asserted small entity status in this application by

- ☐ payment of the basic filing or national fee as a small entity (37 C.F.R. § 1.27(c)(3)) or
- ☐ prior submission of a Written Assertion or Statement of Small Entity Status (37 C.F.R. § 1.27(c)(1))

It is confirmed that small entity status for this application has been checked, is still in effect and is being asserted.

- ☐ A WRITTEN ASSERTION OR STATEMENT OF SMALL ENTITY STATUS signed by an appropriate party as required by 37 C.F.R. § 1.27 is attached.

**WARNING:** "Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate." 37 C.F.R. § 1.27(g)(2).

(complete the following, as applicable)

B. ☐ Applicant hereby notifies the Office, in accordance with the requirements of 37 C.F.R. § 1.27(g)(2), that it no longer has status as a small entity.

☐ A "NOTIFICATION OF LOSS OF STATUS AS SMALL ENTITY" signed by an appropriate party is attached.

☐ Applicant has not asserted small entity status.

3. Fee (37 C.F.R. 1.18(a) and (b)):

Application status is:

	<u>Regular</u>	<u>Design</u>
small business entity—fee	X \$ 720.00	<input type="checkbox"/> \$410.00
other than a small entity—fee	<input type="checkbox"/> \$1,440.00	<input type="checkbox"/> \$820.00
Publication Fee	x \$ 300.00	

4. Payment of fee:

X Enclosed please find check for \$ 1,020.00.

☒ Charge Account 12-0425 for any fee deficiency or credit overpayment.

☐ Charge Account \_\_\_\_\_ the sum of \$ \_\_\_\_\_.

A duplicate of this request is attached.

Reg. No.: 33778

  
SIGNATURE OF PRACTITIONER

Janet I. Cord

(type or print name of practitioner)

Tel. No.: (212) 708-1935

Customer No.:



00140

PATENT TRADEMARK OFFICE

P.O. Address

c/o Ladas & Parry LLP  
26 West 61<sup>st</sup> Street  
New York, N.Y. 10023



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: GIL TENNE, ET AL.

Serial No.: 09/927,084

Group No.: 1645

Filed AUGUST 9, 2001

Examiner: HINES, JANA A.

For: METHOD FOR THE EARLY DIAGNOSIS OF CANCER

Attorney Docket No.: U 013591-0 Confirmation No.: 4110

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**COMMENTS ON STATEMENT OF  
ALLOWABLE SUBJECT MATTER IN NOTICE OF  
ALLOWABILITY MAILED JULY 3, 2008**

In the statement of Allowable Subject Matter in paragraph 4 of the Notice of Allowability, the Examiner states that "[t]he" claims are free of the prior art but

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**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being:

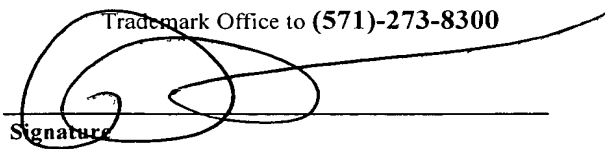
**MAILING**

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

**FACSIMILE**

- ☐ transmitted by facsimile to the Patent and Trademark Office to (571)-273-8300

Date: September 29, 2008

  
Signature

Janet I. Cord

*type or print name of person certifying*

rejected under 112 second paragraph”.

This is clearly wrong because claims 64-65 and 67-83 have been allowed could not have been allowed if there were any issues outstanding.

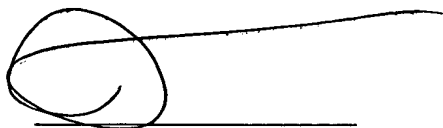
The undersigned called the Examiner to discuss this and on July 23, 2008, the Examiner’s supervisor left a voice mail message:

Hi Ms. Cord. My name is Shannon Foley.

I’m returning your call regarding a Notice of Allowability that was issued in 09/927,084 and regarding the rejections of record in the Notice of Allowability. Actually if you look on page 5 of the action at the top there is a withdrawal of rejections and it says “the following rejections have been withdrawn in view of applicants amendments and arguments” and the first thing that was withdrawn is the written description rejection of claim 63 and the second rejection that’s withdrawn is the rejection of claims 42 through 59 and 61 through 63 under 112 second paragraph. So there are no rejections of record remaining in the claims. If you have any further questions regarding this case, please don’t hesitate to call me back at (571) 272-0898. Thanks. Bye

This also confirms that the statement in paragraph 4 in the Notice of Allowability is wrong.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a horizontal line extending to the right.

JANET I. CORD  
LADAS & PARRY LLP  
26 WEST 61ST STREET  
NEW YORK, NEW YORK 10023  
REG. NO.33778 (212)708-1935